

FILED

**United States District Court--District of Arizona - Phoenix
Order Setting Conditions of Release**

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DATE: 8/29/2005

CASE NUMBER: 05-03241M-001

USA vs. Salvador Randy Abeyta

PERSONAL RECOGNIZANCE
 AMOUNT OF BOND

 UNSECURED SECURED BY _____

SECURITY TO BE POSTED BY _____

NEXT APPEARANCE or as directed through counsel

401 West Washington St., Phoenix, AZ, Courtroom #8, 8 Floor
 Goodwin & Cortez, US Post Office Bldg., Prescott, AZ, 2nd Floor

CR05-1849 JH

X	FILED	SEP 1 2005
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		COPY
AUG 29 2005		
MATTHEW J. DYKMAN		
CLERK U S DISTRICT COURT		
DISTRICT OF ARIZONA		
BY DEPUTY		

IT IS ORDERED THAT DEFENDANT IS SUBJECT TO THE FOLLOWING CONDITIONS AND SHALL:

- appear at all proceedings as required and to surrender for service of any sentence imposed.
- not commit any federal, state or local crime.
- immediately advise the court, defense counsel and U.S. Attorney in writing of change in address/telephone number.
- maintain or actively seek verifiable employment if defendant is physically or medically able and provide proof of such to Pretrial Services.
- not travel outside of: Maricopa County and District of New Mexico except Defendant may travel directly to the prosecuting district, and through all states and counties in between the District of Arizona and the prosecuting district, for Court purposes and lawyer conferences only unless express PRIOR Court or Pretrial Services permission is granted to do so.
- avoid all direct or indirect contact with persons who are considered alleged victim(s), potential witness(es), family members of victim(s)/witness(es), and/or () the custodial parent, except Defendant may communicate with custodial parent solely for visitation purposes with his/her minor child(dren): _____
- report as directed to the U.S. PRETRIAL SERVICES 1-800-769-7609 or 602-322-7350.
- report as directed to the U.S. PROBATION OFFICE 602-322-7400 and abide by all terms of conditions of Supervised Release/Probation.
- execute an agreement to forfeit upon failing to appear as required, the bond or designated property: _____
- Defendant is placed in the third party custody of _____
- refrain from any excessive use of alcohol and not use or possess any narcotic or other controlled substance defined by 21 USC 802 unless prescribed for defendant by a licensed medical practitioner in the course of his/her legitimate medical practice.
- participate in drug/alcohol counseling/treatment and submit to drug/alcohol testing, including breathalyzer testing and make copayment toward the cost as directed by U. S. Pretrial Services.
- surrender any passport to the Clerk of the Court by _____
- obtain no passport.
- not possess or attempt to acquire any firearm, destructive device, or other dangerous weapon or ammunition.
- maintain weekly contact with his/her counsel by Friday, noon of each week with Jeanette E. Alvarado
- shall timely pay his/her monthly child support payments as previously ordered by the subject state court in the total amount of \$ _____
- The defendant shall actively participate in any mental health treatment program as directed by Pretrial Services. The defendant shall comply with all treatment requirements including taking all medication as prescribed by his/her mental health care provider.
-

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ADVICE OF PENALTIES AND SANCTIONS

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years if the offense is a felony or a term of imprisonment of not more than one year if the offense is a misdemeanor. This sentence shall be consecutive to any other term of imprisonment.

Title 18 U.S.C. §1503 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years, and a \$250,000 fine to intimidate a juror or officer of the court; Title 18 U.S.C. §1510 makes it a criminal offense punishable by up to five years imprisonment and a \$250,000 fine to obstruct a criminal investigation; Title 18 U.S.C. §1512 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section by not more than twenty years or by not more than ten years and a \$250,000 fine for tampering with a witness, victim or informant; or by intentionally harassing another person and thereby hindering/delaying/preventing or dissuading any person from attending or testifying in an official proceeding or otherwise violating the section is punishable by imprisonment for not more than one year and a \$250,000 fine; and 18 U.S.C. §1513 makes it a criminal offense punishable by imprisonment for life or by death, or, depending upon the specific provisions of the section not more than twenty years or by not more than ten years of imprisonment, a fine of \$250,000, or both, to retaliate against a witness, victim or informant, or threaten or attempt to do so.

It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for:(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;(2) an offense punishable by imprisonment for a term of five years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both;(3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;(4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted.

If the person was released for appearance as a material witness, a fine as provided by law or imprisonment for not more than one year, or both.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

DATE	SIGNATURE OF DEFENDANT
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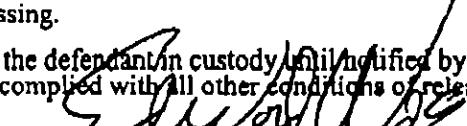
Custodian agrees to (a) supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and to notify the court immediately in the event the defendant violates any condition of release or disappears. We, the undersigned, have read and understand the terms of this bond and conditions of release and acknowledge that we are bound by it until duly exonerated.

SIGNATURE OF CUSTODIAN(S)

Directions to United States Marshal:

- The defendant is ORDERED released after processing.
- The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions of release.

DATE: 8/29/2005


EDWARD C. VOSS
United States Magistrate Judge

USA, PTS/PROB, USM, DEFT, DEFT ATTY

USA v. Salvador Randy AbeytaCASE NUMBER 05-03241M-001**ADDITIONAL CONDITIONS OF RELEASE**

The defendant will comply with electronic monitoring and follow all program requirements, including specific directions of the Pretrial Services Officer.

The defendant will pay for the electronic monitoring one month in advance at the rate of \$3.26 per day or a percentage of total monthly cost as determined by Pretrial Services

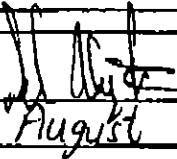
The defendant will participate in one of the following home confinement program components and abide by all the requirements of the program which will or will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

Curfew. You are restricted to your residence every day from _____ to _____, or as directed by the pretrial services office or supervising officer, or

Home Detention. You are restricted to your residence at all times except for employment; education; religious services, medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer, or

Home Incarceration. You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

ACKNOWLEDGMENT OF DEFENDANT

DATED THIS 29th DAY OF August, 2005.

(Rev. 10/03) Order Holding Defendant

UNITED STATES DISTRICT COURT

DISTRICT

ARIZONA

UNITED STATES OF AMERICA

v.

Salvador Randy Abeyta

ORDER HOLDING DEFENDANT TO ANSWER AND TO APPEAR IN DISTRICT OF PROSECUTION OR DISTRICT HAVING PROBATION JURISDICTION

Case Number: 05-03241M

Charging District Case Number: CR-05-1849

The defendant having appeared before this Court pursuant to Rule 5(c)(3), Fed. R. Crim. P., and proceedings having been concluded and the defendant released;

IT IS ORDERED that the defendant be held to answer in the United States District Court for the

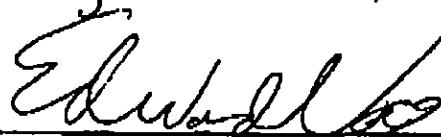
District of NEW MEXICO; and shall appear at all proceedings as required.

The defendant shall next appear at (if blank, to be notified) U.S. District Court, 333 Lomas NW, Cimarron
Place and Address

Crim-5th Floor, Albuquerque, NM on 9/15/05 at 9:00 before Magistrate Judge Puglisi.

Date and Time

*Defendant is to call the New Mexico District Court at 505-348-2050
And advise them if he will be retaining counsel or requesting
Court Appointed Counsel.



Signature of Judicial Officer

8-30-05

Date

Hon. Edward C. Voss, U.S. Magistrate
Name and Title of Judicial Officer
Judge

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
405 WEST CONGRESS STREET, SUITE 1500, TUCSON, AZ 85701-5010

FACSIMILE TRANSMITTAL SHEET



Phoenix Division

Tucson Division

Prescott Division

DATE: 9/14/05 # OF PAGES, INCLUDING THIS COVER SHEET: 10

FROM:

Jessie L. Potts

TO:

Mary Lee Gonzales

VOICE PHONE: (520) 205-4200

VOICE PHONE: 505-348-2055

FAX NUMBER: (520) 205-4219

FAX NUMBER: _____

If you do not receive all of the pages indicated above or the message is poorly received,
please contact our office as soon as possible at the above number.

COMMENTS:

See year legend

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA - Phoenix

MAGISTRATE JUDGE'S MINUTES

DATE: 8/29/2005 CASE NUMBER: 05-03241M-001USA vs. Salvador Randy AbevtaU.S. MAGISTRATE JUDGE: EDWARD C. VOSS #: 70BOA.U.S. Attorney Darcy A. Cerow INTERPRETER _____
LANGUAGE _____Attorney for Defendant Jeanette E. Alvarado (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: PRESENT NOT PRESENT CUSTODYDOA _____
 Financial Afadv taken
 Rule 5(c)(3) Initial Appearance Appointment of counsel hearing held
 Defendant Sworn Financial Afadv sealed
 Defendant states true name to be _____. Further proceedings ORDERED in
Defendant's true name.

DETENTION HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input checked="" type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: Before: <input type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input checked="" type="checkbox"/> Defendant ordered released <u>w/conditions-electronic monitoring</u> . <input type="checkbox"/> Defendant continued detained pending trial <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger	IDENTITY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Warrant of removal issued.
PRELIMINARY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court	STATUS HEARING: re: _____ <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: Before:

Other: The Court was contacted by defense counsel Jason Lamm. Mr. Lamm requested the Court to disregard his Notice of Appearance filed on 8/29/05. There being no objection by current appointed defense counsel or the government the Court will not consider it a valid Notice of Appearance. The Court addressed the defendant in this regard and the defendant indicated he wishes to proceed with appointed counsel, Ms. Alvarado. The Court affirms the appointment of Jeanette Alvarado. Defendant will be advised under separate order as to his date and time of appearance in the District of New Mexico.

Recorded by Courtsmart
BY: Phylis Durbin
Deputy Clerk

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THIS DOCUMENT HAS NOT BEEN SUBMITTED
ELECTRONICALLY AS REQUIRED BY THE
DISTRICT OF ARIZONA'S ADMINISTRATIVE
POLICIES AND PROCEDURES MANUAL
POLICY AND LAMM # 018454

1300 East Missouri Avenue
Suite B-200
Phoenix, Arizona 85014
Telephone: (602) 222-9237
Facsimile: (602) 222-2299
Email: jlamm@cyberlawaz.com
Attorney for the Defendant

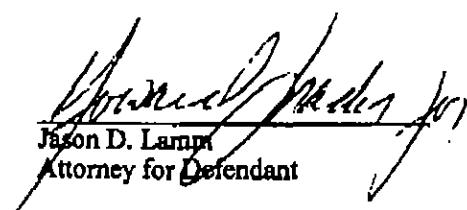
AUG 29 2005

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,) Cause No.: 05-MJ-3241 PHX-LOA
Plaintiff,)
vs.) NOTICE OF APPEARANCE
SALVADOR ABEYTA,)
Defendant.) (Assigned to the Honorable Edward C. Voss)

The undersigned hereby enters his appearance on behalf of the above named defendant
for all further proceedings before this Court in the above captioned matter.

Respectfully submitted this 26th day of August 2005.


Jason D. Lampi
Attorney for Defendant

1 Copies of the foregoing
2 delivered this 28th day of
3 August 2005, to:

4 Clerk's Office
United States District Court

5 The Honorable Edward C. Voss
U.S. Magistrate Judge

6 Darcy Cerow
United States Attorney

7 By: M. Ordiz

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AO 466 (Rev. 9/92) Waiver of Rule 40 Hearings

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF

ARIZONA

UNITED STATES OF AMERICA

v.

WAIVER OF RULE 5(c)(3) HEARINGS (formerly Rule 40)

SAVADOR ABEYTA

CASE NUMBER: 05-3241M

I, Salvador Abeyta, understand that in the District of New Mexico, charges are pending alleging violation of 21 USC 848 and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

identity hearing
 preliminary examination
 identity hearing and have been informed I have no right to a preliminary examination
 identity hearing but request a preliminary examination be held in the prosecuting district
 I reserve my right to have a detention hearing in the prosecuting district

and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

8/26/05

Date

Defendant

Defense Counsel

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA - Phoenix**

MAGISTRATE JUDGE'S MINUTES

DATE: 8/26/2005 CASE NUMBER: 05-03241M-001

USA vs. Salvador Abeyta

U.S. MAGISTRATE JUDGE: MORTON SITVER #: 70RA

A.U.S. Attorney Darcy Cerow

INTERPRETER
LANGUAGE

Attorney for Defendant Jeanette Alvarado (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: PRESENT NOT PRESENT CUSTODY

DOA 8/25/2005

Financial Afdvt taken
 Rule 5(c)(3)

Initial Appearance

Defendant Sworn
 Defendant states true name to be _____.

Appointment of counsel hearing held

Financial Afdvt sealed

Further proceedings ORDERED in Defendant's true name.

<p>DETENTION HEARING:</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: <u>8/29/05 at 3:30 PM</u> Before: <u>MAGISTRATE JUDGE VOSS</u></p> <p><input checked="" type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input type="checkbox"/> Defendant ordered released _____ <input type="checkbox"/> Defendant continued detained pending trial <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger</p>	<p>IDENTITY HEARING:</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input checked="" type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Warrant of removal issued.</p>
<p>PRELIMINARY HEARING:</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court</p>	<p>STATUS HEARING: re: _____</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: Before:</p>

Other: _____

Recorded by Courtsmart
BY: Sherise M. Marshall
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA.

Plaintiff.

v.

SALVADOR ABEYTA.

Defendant.

FILED
at Santa Fe, N.M.

SEP 12 2005

MATTHEW J. DYKMAN
CLERK

CR 05-1849 JH

ORDER

On motion of Ralph Ellinwood, Esq. and good cause appearing, it is hereby ORDERED admitting Jason D. Lamm, Esq. to the bar of this Court, *pro hac vice*, for this cause only.



Judge
United States District Court
District of New Mexico

IN THE UNITED STATES DISTRICT COURT FILED
COURT CLERK'S OFFICE
U.S. DISTRICT COURT
NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA.

Plaintiff.

v.

SALVADOR ABEYTA,

Defendant.

05 SEP -6 PM 3:03

Clerk's Office

CR 05-1849 JH

**MOTION FOR ADMISSION PRO HAC VICE OF JASON D. LAMM, ESQ.
AND PROPOSED ORDER**

Undersigned counsel, a member of the Bar of this Court, hereby moves for Jason D. Lamm, Esq. to be admitted to the bar of this Court, *pro hac vice*, for the above captioned cause only as counsel for Defendant Abeyta. Specific reasons in support of this motion are set forth herein.

Mr. Lamm has been privately retained to represent the above named defendant. On information and belief, he is a member in good standing of the bars of Arizona, Maryland, the United States District Court for Arizona and Maryland, as well as the Supreme Court of the United States. He is ineligible for admission to the bar of this Court, pursuant to Rule 83.2, as he is not a member of the New Mexico state bar. On one previous occasion, Mr. Lamm appeared before this Court, *pro hac vice*, on a civil forfeiture matter that was resolved shy of trial.

Counsel for the United States has been personally consulted about his position on the request and has advised that he does not oppose this motion.

Dated this 2nd of September, 2005.

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FILED

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

SALVADOR ABEYTA,
Defendant,

CLERK'S OFFICE
ALBUQUERQUE

CR 05-1849 JH

**CERTIFICATE OF SERVICE OF MOTION FOR ADMISSION PRO HAC VICE OF
JASON D. LAMM, ESQ. AND PROPOSED ORDER**

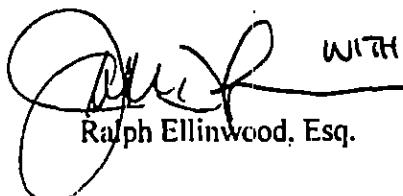
I certify that a copy of the above pleading was mailed to the attorney for the United States of America:

James Braun, Esquire
Assistant United States Attorney
P.O. Box 607,
Albuquerque, New Mexico 87103

And To:

Ralph Ellinwood, Esq.
117 W Washington St
Tucson, AZ 85701-1011

on September 2, 2005

 WITH EXPRESS CONSENT
FOR
Ralph Ellinwood, Esq.

IN THE UNITED STATES DISTRICT COURT

FILED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FOR THE DISTRICT OF NEW MEXICO

05 SEP -6 PM 3:01

UNITED STATES OF AMERICA,

Plaintiff.

v.

SALVADOR ABEYTA.

Defendant.

CLERK'S OFFICE

CR 05-1849 JH

CERTIFICATE OF SERVICE OF NOTICE OF APPEARANCE

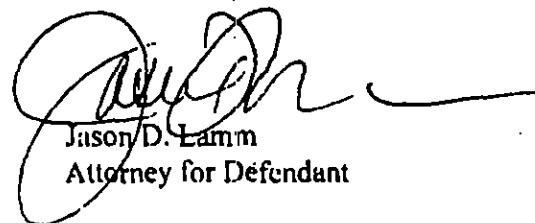
I certify that a copy of the above pleading was mailed to the attorney for the United States of America:

James Braun, Esquire
Assistant United States Attorney
P.O. Box 607,
Albuquerque, New Mexico 87103

And To:

Ralph Ellinwood, Esq.
117 W Washington St
Tucson, AZ 85701-1011

on September 2, 2005


Jason D. Lamm
Attorney for Defendant

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